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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release September 29, 1988

STATEMENT BY THE PRESIDENT

I have today signed H.R. 4387, the "Intelligence Authorization Act, Fiscal Year 1989." The Act authorizes appropriations to pay for the intelligence and intelligence-related activities of the United States Government during the coming fiscal year. The legislation will strengthen United States intelligence capabilities.

As the Congress has recognized, secrecy is essential to success in the intelligence activities upon which the Nation's security depends. To maintain that essential secrecy, the programs and funding levels for which the Act provides are classified. The Act authorizes appropriations at approximately the level I requested in my Fiscal Year 1989 budget.

Two provisions of the Act raise constitutional concerns.

Section 104 of the Act prohibits the use during Fiscal Year 1989 of funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States to provide assistance to the Nicaraguan Democratic Resistance, except as specifically provided by law. Previous such restrictions in annual intelligence authorization acts applied to Federal entities only if they were involved in intelligence activities. I have signed the Act with the understanding that the extension of the restriction to all entities of the United States Government is not intended to, and does not, apply in a manner and to an extent that would conflict with my constitutional authority and duty to conduct the foreign relations of the United States.

Section 504 of the Act enacts a new Section 17 of the Central Intelligence Agency Act of 1949 to require reports to the intelligence committees of the Congress concerning activities of the Inspector General of the Central Intelligence Agency. The provision purports to require inclusion of information in certain reports to the committees that would disclose Inspector General recommendations to the Director of Central Intelligence and opposing views within the Executive branch. Such a requirement would conflict with the constitutional protection afforded the integrity and confidentiality of the internal deliberations of the Executive branch. It would, however, be severable from the remainder of Section 17, which can be properly executed.

RONALD REAGAN

THE WHITE HOUSE,

September 29, 1988.

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